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Attorneys for Plaintiff,
OWEN DIAZ

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

OWEN DIAZ,

Plaintiff,

v.

TESLA, INC. dba TESLA MOTORS, INC.;

Defendant.

Case No. 3:17-cv-06748-WHO

**DECLARATION OF LEONARD H.
SANSANOWICZ
BOURN IN SUPPORT OF
PLAINTIFF'S MOTION FOR
ATTORNEY'S FEES**

Trial Date: March 27, 2023
Complaint filed: October 16, 2017

DECLARATION OF LEONARD H. SANSANOWICZ

I, Leonard H. Sansanowicz, declare:

1. I am over 18 years old and not a party to this action. I have personal knowledge of the matters stated herein, and if called as a witness I could and would competently testify under oath thereto. I am an attorney licensed to practice before all courts of the State of California and the United States District Courts for the Central, Eastern, Northern, and Southern Districts of California. I am the principal of Sansanowicz Law Group, P.C. and counsel for the class action plaintiffs Alice Gardea and Josephine Hill in the class action filed in Superior Court of California County of Alameda, *Gardea, et al. v. California Physicians' Service, dba Blue Shield of California*, Case No. RG49048620. I submit this declaration in support of Plaintiffs' Motion for Order Granting Final Approval of Class Action Settlement.

2. I received my Juris Doctor from Loyola Law School in 2007 and was admitted to the California bar in May 2008. While in law school, I completed externships at the Office of the City Attorney of Los Angeles, the Los Angeles District Attorney's Office, and the United States Attorney's Office, Central District of California. As a certified law clerk at the U.S. Attorney's Office, I successfully prosecuted a misdemeanor trial as the lead trial attorney, obtaining a sentence from the U.S. Magistrate Judge. As a certified law clerk at the District Attorney's Office, I personally conducted over a dozen preliminary hearings and sat second chair for a felony trial that resulted in conviction. While at the City Attorney's Office, I assisted in trial preparation and sat second chair in a civil lawsuit the City successfully defended. Also, while in law school, I was a member of the prestigious Byrne Trial Advocacy Team, which consistently is considered one of the nation's top law school mock trial advocacy teams by the U.S News & World Report's Annual Ranking and was a Senior Articles Editor of the Loyola of Los Angeles Law Review.

3. Since becoming an attorney, I have practiced exclusively in employment law, representing plaintiffs in discrimination, harassment, retaliation, and wrongful termination cases, as well as individual and multi-plaintiff wage and hour actions, and state and federal class and representative

1 actions.

2 4. Immediately prior to and upon passing the bar exam, I worked for three and one-half years
3 as a law clerk and associate to Steven G. Pearl of The Pearl Law Firm. Mr. Pearl is a recognized
4 authority in wage and hour law who has been recognized as a Super Lawyer both as an attorney and
5 as a mediator and is an Advisor and former Executive Committee Member of the State Bar Labor
6 and Employment Law Section. Together with Mr. Pearl, I co-authored a chapter on the Fair Labor
7 and Standards Act in a practice guide published by the National Employment Lawyers Association
8 and Lexis Nexis's Matthew Bender series. During my time with The Pearl Law Firm, I tried four
9 bench trials and two default prove-ups on my own and sat second chair for a jury trial and two other
10 bench trials, all in the wage and hour context.

11 5. Following The Pearl Law Firm, I was an associate with Lavi & Ebrahimian, LLP for
12 approximately two and one-half years, where I handled numerous cases in all aspects of employment
13 law, including individual and multi-plaintiff wage and hour actions, state and federal class actions,
14 wrongful termination, discrimination, harassment, and retaliation cases. During my time at Lavi &
15 Ebrahimian, LLP, I was the lead (and sole) trial counsel in two jury trials, both of which resulted in
16 12-0 verdicts in favor of my clients: *Arrellano v. The Castle Valet Car Wash, Inc., et al.*, Orange
17 County Superior Court Case No. 30-2009-00116989 (2013), and *Hernandez v. Headquarters*
18 *Marketing, Inc., et al.*, Los Angeles Superior Court Case No. BC443589 (2012).

19 6. Also during my time at Lavi & Ebrahimian, LLP, I handled wage and hour class actions
20 against such employers as: Option One Home Medical Equipment, Inc., which settled for
21 \$3,000,000; Burrtec Waste Group, Inc., which settled for \$2,789,000; Trojan Battery Co., Inc., which
22 settled for \$850,000; Packaging Dynamics Corporation, which settled for \$625,000; Famsa, Inc.,
23 which settled for \$602,000; Juicy Couture, Inc., which settled for \$520,000; CR&R Inc., which
24 settled for \$350,000; Exopack-Ontario, Inc., which settled for \$350,000; Visterra Credit Union,
25 which settled for \$325,000; BHFC Operating, LLC, which settled for \$315,000; Philatron
26 International, Inc., which settled for \$250,000; United Natural Foods West, Inc., which settled for

1 \$250,000; and TeamOne Employment Specialists, LLC, which settled for \$220,000.

2 7. I was an associate, Senior Associate, and Senior Counsel with Feldman Browne Olivares,
3 APC (“FBO”), from January 2014 through May 2018. At FBO, I continued to handle numerous cases
4 in all aspects of employment law. For example, I sat second chair in a successful prosecution of a
5 disability discrimination/wrongful termination/defamation trial, *Rivera v. Costco Wholesale*
6 *Corporation*, Riverside County Superior Court Case No. RIC 1218368, which resulted in a verdict
7 of \$1,686,500 in our client’s favor.

8 8. During the time I was with FBO, the class actions I handled that resolved included Kellogg
9 Brown & Root, LLC, for \$3,750,000; Golden Road Food Services, LLC, for \$1,500,000; Rockstar
10 Beverage Corp., for \$1,400,000; Matheson Tri-Gas, Inc., for \$1,300,000; and Space Exploration
11 Technologies Corp., for \$750,000.

12 9. In my current firm, the class or PAGA actions I have resolved have included Schenker,
13 Inc., for \$4,000,000, Community Hospitals of Central California for \$3,240,000, California
14 Physicians’ Service for \$2,900,000, Elite Line Services, Inc., for \$1,975,000, Video Voice Data
15 Communications, for \$1,500,000, Prime Comms Retail, LLC, for \$1,500,000, Ford Motor Company
16 for \$750,000, and CIK Power Distributors, LLC, for \$641,350.

17 10. For the past six years (2019-2024), I have been named a Southern California Super
18 Lawyer in Employment Litigation: Plaintiff, a designation granted to the top 5% of attorneys in a
19 geographic area based on peer nominations and evaluations. For the six previous consecutive years
20 (2013-2018), I was named a Southern California Rising Star by Super Lawyers magazine, a
21 distinction given to 2.5% of attorneys who either are under forty (40) years of age or have been in
22 practice for less than ten (10) years based on peer balloting. From 2015¹-2018, I was named to the
23 Up & Coming 100 list, meaning the top 100 Rising Star attorneys to watch.

24 11. I am a member of and active in several plaintiff’s and employment groups, including a
25

26 ¹ The first year Super Lawyers created the Up & Coming 100 list was 2015, and I was awarded the distinction
27 each year for the first four years of its existence.

1 newly selected member of the Executive Committee of the California Lawyers Association (“CLA”)
 2 Labor and Employment Section. In addition, I am a member of the Executive Board of the California
 3 Employment Lawyers Association (“CELA”), a statewide organization of over 1,200 attorneys who
 4 devote the major portion of their practices to representing employees in individual employment cases
 5 and class actions, a member the Los Angeles chapter of the National Employment Lawyers
 6 Association (“NELA”), and a member the Los Angeles County Bar Association Labor and
 7 Employment Law Section (“LACBA”). I am an active member of multiple CELA committees,
 8 including past co-chair of the Worker Outreach Committee, through which I organized Know Your
 9 Rights presentations throughout Southern California.

10 12. I am the current Secretary of the LACBA Labor & Employment Section and the
 11 immediate past Chair of LACBA’s Annual Symposium Committee, through which I organized the
 12 Labor and Employment Section’s 43rd Annual Symposium at the JW Marriott LA Live hotel in Los
 13 Angeles. In addition to the Symposium Committee, I served for three years as co-chair of LACBA’s
 14 Saturday Seminar Committee, which produces three to four continuing legal education programs on
 15 employment law per year. Through my work on the Saturday Seminar Committee, but not during
 16 my tenure as co-chair, I: moderated a panel of three sitting judges of the Los Angeles County
 17 Superior Court (the Honorable Rupert A. Byrdsong, the Honorable Randolph M. Hammock, and the
 18 Honorable Ruth A. Kwan) (Nov. 2020); coordinated and hosted a mock voir dire presentation with
 19 four exceptional practitioners (Dan Stormer and David deRubertis for Plaintiff, Tracey Kennedy
 20 (Sheppard Mullin) and Elena Baca (Paul Hastings) for Defendant), two jury consultants, and Los
 21 Angeles County Superior Court Judge Mary Anne Murphy (June, 2014); and moderated a Nuts ‘N
 22 Bolts seminar on employment law (including wage and hour, discrimination, retaliation, and
 23 wrongful termination) (Jan. 2012).

24 13. Recently, on October 13, 2023, I moderated a CLA webinar, “PAGA Claims After
 25 Adolph v Uber Technologies.” In March 2020, I co-presented the Year in Review panel of the Annual
 26 Symposium with George W. Abele of Paul Hastings. I moderated a panel on arbitration at CELA’s

Twelfth Annual Advanced Wage and Hour Conference (May 2016). Other moderator credits include: a webinar for the State Bar Labor and Employment Section, “Using Unpaid Interns, Apprentices, Volunteers, and Trainees: It Could Cost You!” (Dec. 2015); a panel on emerging trends in wage and hour law at CELA’s Eleventh Annual Advanced Wage and Hour Conference (April 2015); a panel on Electronically Stored Information at CELA’s annual conference (Oct. 2014); and hosted CELA’s Seventh Annual Advanced Wage and Hour Conference (April 2011). I also was a panelist for a continuing legal education event, “When Industry Practice and Labor Law Collide: Hot Topics in Entertainment and Employment Law,” Beverly Hills Bar Association’s Labor & Employment Section (Dec. 2012).

14. I was a contributing author to the CLA Labor & Employment Law Review, co-authoring the Wage and Hour Update, from 2015-2021, and a guest contributor to the CELA Bulletin. My article, “The Nature of PAGA Actions – A PAGA Primer,” appeared in the May 2021 Employment Law issue of Advocate magazine, published by Consumer Attorneys Association of Los Angeles (“CAALA”), the largest association of plaintiff’s attorneys in the nation. In September 2021, I was a panelist on a panel on arbitration at the CAALA annual conference in Las Vegas, and my article on arbitration was published by the Advocate magazine in September 2022.

15. Pursuant to my work with CELA’s Wage and Hour Committee, I submitted *amicus* letters requesting de-publication of the following cases: *Bain v. Tax Reducers, Inc.* (2013) 219 Cal.App.4th 110; *Tien v. Tenet Healthcare Corp.* (2011) 192 Cal.App.4th 1055; and *In re: Lamps Plus Overtime Cases, Flores, et al. v. Lamps Plus, Inc., et al.* (2011) 195 Cal.App.4th 389. All three cases were de-published.

16. I also served as a judge for multiple years in law school trial advocacy competitions, through both the American Bar Association’s Labor and Employment Section and for the National Civil Trial Competition.

17. My current regular billing rate is \$850 per hour, for which I was approved as reasonable and within the accepted rates for attorneys of similar background and experience, in the Los Angeles

County Superior Court matter of *Myers, et al. v. Blue Shield of California Life & Health Ins. Co., et al.*, Case No. 19STCV09341. In my practice I regularly oppose partners and Senior Associates from large defense firms, and my rate is consistent with the rates of defense attorneys who provide comparable legal services, given my experience and my contributions to the legal community.

18. As a result of my personal experiences, my contacts with leading California practitioners and mediators, as well as networking in the legal community, I am very aware of the prevailing hourly rates which are charged by knowledgeable and experienced attorneys in the field of employment litigation throughout the state. Moreover, the National Association of Legal Fee Analysis (“NALFA”) conducts an annual hourly rate survey of civil litigation in the U.S., broken down by cities and regions. NALFA has identified four factors that contribute to determining prevailing market rates: (1) geography/location/jurisdiction; (2) years of litigation practice, or seniority; (3) practice area and the complexity of the case; and (4) the size of the law firm. At Mr. Collier’s level of experience (14-16 years, see below), and given his successes, I believe a Tier 3 designation hourly rate (\$651-\$900 per hour) is more than appropriate, and \$750 per hour fits squarely in that level of hourly rates and in fact is on the lower end of that billing level.

19. I am very familiar with the professional abilities and accomplishments of Dustin Collier. I have known Mr. Collier for approximately six years through my affiliation with CELA. Like me, Mr. Collier primarily represents employees in employment law matters. I know him to be an excellent attorney, diligent and thorough, caring for his clients, and tenacious on their behalf. Mr. Collier and I have frequently exchanged thoughts about legal strategy and have used each other’s work product as exemplars in our own cases. I know Mr. Collier’s reputation within the legal community as a practitioner who practices at a high level and obtains great results for his clients. Through my work on the CELA Executive Board, I also know Mr. Collier to be a trusted and accomplished trial attorney who regularly teaches at CELA’s Trial College, a preparatory program for plaintiff-side practitioners. Based on my familiarity with the prevailing attorneys’ fees rates for employment litigation specialists throughout California as well as Mr. Collier’s professional accomplishments, skill, and diligence, I

1 believe that the hourly rate of \$750 as billed by Mr. Collier (who has been practicing about as long
2 as I have) is eminently reasonable and well within the range of acceptable rates in the Santa Cruz
3 community for other employment law practitioners of comparable skill, reputation, and experience.

4 20. I am also familiar with the professional abilities and accomplishments of Joshua Socks,
5 Mr. Collier's law partner, having known Mr. Socks through my affiliation with CELA and through
6 my association with Mr. Collier, as well. Together, their law firm has developed a reputation within
7 the legal community as one that practices at a high level and obtains great results for their clients.
8 Based on my experience and familiarity with employment attorney fee rates in San Francisco and
9 Santa Cruz, I believe that the hourly rate of \$700 as billed by Mr. Socks is reasonable and well within
10 the range of acceptable rates in the Santa Cruz community for other employment law practitioners of
11 comparable skill, reputation, and experience.

12 21. I do not personally know Messrs. Collier's and Socks' associate, Elizabeth Malay, but her
13 rate of \$400 is well within the reasonable range given her resume, the complexity of this case, and
14 the results achieved. I also believe the rate of \$550 for Drew F. Teti is eminently reasonable.

15 22. The life of a small firm practitioner is risky in that the outcome is not guaranteed and all
16 the risks including costs and investments of time and other resources, win or lose, lay only with a few
17 people. Moreover, because most individuals cannot afford to pay for skilled legal representation in
18 civil rights litigation on an hourly basis, plaintiffs' civil rights attorneys represent virtually all
19 discrimination claims on a contingency fee basis. Pursuant to this arrangement, civil rights attorneys
20 are not compensated for their time unless they prevail at trial or successfully settle their client's cases.
21 Because they are taking the risk that they will not be reimbursed for their time unless their client
22 settles or wins his or her case, plaintiff's civil rights attorneys cannot afford to represent an individual
23 employee on a contingency basis if, at the end of their representation, all they are to receive is the
24 regular hourly rate for their services if they win and nothing if they do not win. Thus, it is essential
25 that plaintiff's wage and hour attorneys recover more than their regular hourly rate when they win, if
26 they are to remain in practice, so they can continue to represent other individuals in civil rights

1 employment disputes. Mindful of this, it has been my experience that judges routinely apply
2 multipliers to attorney fee awards in employment discrimination and wage and hour lawsuits to
3 encourage attorneys to represent individuals in such cases and further the public policies of this state.

4 I declare under penalty of perjury under the laws of the State of California that the foregoing
5 is true and correct. Executed this twenty-third day of October 2023.

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8 Leonard H. Sansanowicz
9 Declarant
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